

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 2029 – SB 2178

March 10, 2014

SUMMARY OF ORIGINAL BILL: Creates a new offense for “retail vandalism,” punishable as theft under Tenn. Code Ann. § 39-14-105. One commits retail vandalism who intentionally or recklessly damages property of another when the property is used by its owner or possessor in the owner’s or possessor’s profession, business, trade, or occupation, or the person damages or marks the property owner’s merchandise.

Creates a new offense for “aggravated retail vandalism,” a Class C felony if committed intentionally or knowingly or a Class D felony if committed recklessly. One commits aggravated retail vandalism if in the course of committing retail vandalism, one pollutes the property owner’s merchandise.

Creates a new offense for “organized retail vandalism,” a Class E felony, if one organizes, coordinates, controls, supervises, finances, manages, aids, or abets any of the activities of an organized retail vandalism enterprise.

FISCAL IMPACT OF ORIGINAL BILL:

Increase State Expenditures – \$90,300/Incarceration*

SUMMARY OF AMENDMENT (014100): Reduces the classification for retail vandalism, aggravated retail vandalism, and organized retail vandalism to Class A misdemeanors. Creates a cause of action for any offense of retail vandalism, aggravated retail vandalism, or organized retail vandalism.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

NOT SIGNIFICANT

Assumptions for the bill as amended:

- The proposed legislation as amended creates three Class A misdemeanors. The proposed legislation will not significantly impact state or local incarceration costs. These offenses are likely to involve damage in excess of \$500.
- In addition to being convicted of retail vandalism, aggravated retail vandalism, or organized retail vandalism, the offender will be convicted of felony vandalism.

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CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "Lucian D. Geise". The signature is fluid and cursive, with the first name "Lucian" written in a larger, more prominent script than the last name "Geise".

Lucian D. Geise, Executive Director

/trm